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9 UNITED STATES DISTRICT COURT  
10 EASTERN DISTRICT OF WASHINGTON

11 UNITED STATES OF AMERICA, ) NO: 1:18-CR-2016-LRS-1  
12 )  
13 Plaintiff, )  
14 vs. ) PLAINTIFF'S SENTENCING  
15 ) MEMORANDUM  
16 RAYMOND ZACK GUERRERO-GARCIA, )  
17 )  
18 Defendant. )  
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Plaintiff, United States of America, by and through William D. Hyslop,  
United States Attorney for the Eastern District of Washington, and Thomas J.  
Hanlon, Assistant United States Attorney, submits the following sentencing  
memorandum:

I.

SENTENCING CALCULATIONS

The United States agrees with the calculations contained in the Presentence  
Investigation Report. Here, the applicable guideline sentence is ten years

1 imprisonment which is the minimum term required by statute. The maximum  
2 penalty is a term of life imprisonment. In the present case, the United States and  
3 the Defendant have entered into a plea agreement pursuant to Fed. R. Crim. P.  
4 11(c)(1)C). The parties have agreed to recommend a term of imprisonment of 120  
5 months.  
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8 II.

9 GOVERNMENT’S OBJECTION TO PSIR

10 The government filed no objections to the Presentence Investigation Report  
11 (hereinafter PSIR).  
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14 III.

15 RESPONSE TO DEFENDANT’S OBJECTIONS TO PSIR

16 The Defendant filed no objections to PSIR.  
17

18 IV.

19 SENTENCING FACTORS UNDER 18 U.S.C. §3553(a)

20 “The district court must correctly calculate the recommended Guidelines  
21 sentence and use that recommendation as the ‘starting point and initial  
22 benchmark.’” *United States v. Hymas*, 780 F.3d 1285, 1293 (9<sup>th</sup> Cir.  
23 2015)(citations omitted). In determining the appropriate sentence, this Court  
24 should consider the factors as set forth in 18 U.S.C. § 3553(a).  
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1           1. The nature and circumstances of the offense and the history and  
2           characteristics of Defendant.

3           The Defendant is a documented Sureno gang member and has a lengthy  
4 criminal history. Over the past eleven years, the Defendant has been convicted of  
5 six separate felony offenses. In the present case, the Defendant approached the  
6 victim and shot him each leg. After shooting the victim, the Defendant ransacked  
7 the victim's vehicle.  
8

9  
10           2. The need for the sentence imposed to reflect the seriousness of the  
11           offense, promote respect for the law, and to provide just punishment.

12           The Defendant has no respect for the law. The current offense is serious.  
13 The Defendant shot the victim multiple times. The government believes that a  
14 sentence of 120 months is warranted to provide just punishment and reflect the  
15 seriousness of the offense.  
16

17  
18           3. The need for the sentence imposed to afford adequate deterrence to  
19           criminal conduct.

20           Prior terms of incarceration and supervision have not deterred the Defendant  
21 from engaging in criminal activity. A sentence of 120 months will afford  
22 adequate deterrence.  
23

24           4. The need for the sentence imposed to protect the public from further  
25           crimes of Defendant.  
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1 The Defendant is clearly a danger to the community. The Defendant has a  
2 history of drug addiction, possession of firearms, eluding police, and assault with a  
3 deadly weapon.  
4

- 5 5. The need for the sentence imposed to provide Defendant with needed  
6 educational or vocational training, medical care, or other correctional  
7 treatment in the most effective manner.

8 The Defendant was expelled from school in the eighth grade. The  
9 Defendant has obtained a GED. The Defendant appears to be in need of additional  
10 educational and/or vocational training. Lastly, the Defendant appears to be in need  
11 of substance abuse treatment.  
12

13 V.  
14

15 GOVERNMENT’S SENTENCING RECOMMENDATION

16 The government recommends a sentence of 120 months imprisonment  
17 followed by five years of supervised release.  
18

19 Respectfully submitted this 20st day of August 2020.  
20

21 WILLIAM D. HYSLOP  
22 United States Attorney  
23

24 s/ Thomas J. Hanlon  
25 THOMAS J. HANLON  
26 Assistant United States Attorney  
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1 I hereby certify that on August 20, 2020, I electronically filed the foregoing  
2 with the Clerk of the Court using the CM/ECF which will send notification of such  
3 filing to the following: Alex B. Hernandez, III.  
4

5  
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